

APPEAL NO. 042311
FILED OCTOBER 21, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). This case returns following our remand in Texas Workers' Compensation Commission Appeal No. 040757, decided May 19, 2004, for consideration of newly discovered evidence and application of the proper legal standard. A hearing on remand was held on July 21, 2004. Following the hearing on remand, the hearing officer reissued his decision where he determined that the decedent's death on (date) was not a result of his compensable injury of _____. The appellant (claimant beneficiary) appealed, asserting that the hearing officer glossed over her evidence in making his determination, and otherwise asserting that the determination is not supported by the evidence. The respondent (carrier) responded, urging affirmance of the hearing officer's decision.

DECISION

Affirmed.

We are satisfied that the hearing officer followed the Appeals Panel's remand instructions contained in Appeal No. 040757, *supra*, during the hearing on remand. We have reviewed the complained-of determinations and conclude that the disputed issue in this matter involved a factual question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica L. Ruberto
Appeals Judge